UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,819	07/09/2002	Axel Susen	2345/147	6553

26646 7590 10/28/2004		EXAMINER
KENYON & KENYON		RAMAKRISHNAIAH, MELUR
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NEW YORK, NY 10004	ART UNIT	PAPER NUMBER
	2643	

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/786,819	SUSEN ET AL.
	Examiner	**Art Unit**	
	Melur Ramakrishnaiah	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2002</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-14_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-14_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>10-25-2004</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claim Objections

1.   Claims 5-9, are objected to under 37 CFR 1.75(c) as being in improper form

because a multiple dependent claim cannot depend from any other multiple dependent

claim. See MPEP § 608.01(n). Accordingly, the claim 5-9 have not been further treated

on the merits.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 3-4, 10-12,are rejected under 35 U.S.C. 103(a) as being unpatentable

over Bassenyemukasa et al. (US PAT: 5,623,539, hereinafter Bassenyemukasa

in view of Gasinsboro (US PAT: 5,926,533, filed 10-4-1996).

        Regarding claim 1, Bassenyemukasa discloses a method of verifying access

authorization for voice telephony in a fixed network or mobile telephone line, where

before or after the communication connection to the subscriber being called is

established, voice signals of the subscriber placing the call are analyzed voice

recognition algorithms and compared with a reference data record or several reference

data records for purposes of assignment, the voice signals of the subscriber placing the

call being relayed to the subscriber being called if the communication connection

already exists, and if the voice signals cannot be assigned to a reference data record,

the communication connection is not established or is automatically interrupted, and/or

an alarm characterized in that voice signals of the subscriber placing the call are

recorded before after the communication connection to the subscriber being called is

established, the reference data record(s) is/are assigned to the fixed network line or

mobile telephone line in an unambiguous manner (fig. 1, col. 2, line 23 – col. 3, line 47,

col. 4 lines 51-57 and fig. 5).

Regarding claim 10, Bassenyemukasa discloses a communication network

having a plurality fixed network lines or mobile telephone lines, as well as technical

means for establishing a communication connection between two or more telephone

lines of the same or another communication network, including: means that are capable

of accessing a data line via which voice signals are at least partially transmitted from the

calling line to the called line, and that are capable of recording a voice signal transmitted

by the calling line, at least one memory (40, fig. 1) in which reference data records are

stored which are assigned to a group of persons having access authorization, at least

one control unit (10, fig. 1) having voice recognition unit (60, fig. 1) which is capable of

accessing the memory for the reference data records analyzing the tapped voice signal

via voice recognition algorithms, and determining the access authorization of the

subscriber placing the call by comparison with the reference data records, the control

unit initiating the production of signal to interrupt the connection if the voice signal

cannot be assigned to any of the reference data records ((fig. 1, col. 2, line 23 – col. 3,

line 47, col. 4 lines 51-57 and fig. 5).

Bassenyemukasa diifers from claims 1 and 10 in that he does not teach the following: voice samples are recorded at regular time intervals during the entire communication connection , and in that speaker's authorization is checked at regular time intervals.

However, Gasinsboro discloses computer based method and apparatus for controlling, monitoring, recording and reporting telephone access which teaches the following: voice samples are recorded at regular time intervals during the entire communication connection , and in that speaker's authorization is checked at regular time intervals (fig. 1, col. 7 lines 11-14, lines 37-49).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Bassenyemukasa's system to provide for the following: voice samples are recorded at regular time intervals during the entire communication connection , and in that speaker's authorization is checked at regular time intervals as this arrangement would provide means for preventing the abuse of the authorization provided for telephone access as taught by Gasinsboro.

Regarding claims 3-4, 11-12, Bassenyemukasa further teaches the following: reference data records corresponds to refernce speech patterns which are independent of semantic content and are characteristic of one person, and in that voice recognition algorithm creates a corresponding speech pattern from the recorded voice samples by statistically analyzing the latter, the corresponding speech pattern being compared with the reference speech pattern (fig. 5 col. 6, line 15 – col. 7, line 14), reference data record(s) is/are assigned to a PBX line of a private branch exchange in an unambiguous

manner, control unit and memory are arranged within a telephone system, a private

branch exchange in particular, the stored reference data records corresponding to

reference voice samples or reference speech patterns of individual extension station

users having access authorization (col. 4 lines 51-57), control unit (10, fig. 1) and

memory (40, fig. 1) are assigned to an exchange, the reference data of the lines

assigned to the exchange, the reference data of the lines assigned to the exchange

being stored in the memory, and in that control unit causes the exchange to generate a

signal interrupting the connection, or an alarm if the voice signal cannot be assigned to

any of the reference data records (fig. 5 col. 6, line 15 – col. 7, line 14).

4.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Bassenyemukasa in view of Gainsboro as applied to claim 1 above, and further in view

of Vensko (US PAT: 5,806,040, filed 4-11-1997).

Regarding claim 2, the combination does not teach the following: reference data

records are reference voice samples corresponding to specific words spoken by a

person, and voice recognition algorithms analyze the recorded voice sample for

occurrence of parts that match the reference voice sample within a specified tolerance.

However, Vensko discloses speed controlled telephone credit card verification

system which teaches the following: reference data records are reference voice

samples corresponding to specific words spoken by a person, and voice recognition

algorithms analyze the recorded voice sample for occurrence of parts that match the

reference voice sample within a specified tolerance (fig. 2 col. 5 lines 10-35).

Thus, it would have been obvious to one of ordinary skill in the art at the time

invention was made to modify the combination to provide for the following: reference

data records are reference voice samples corresponding to specific words spoken by a

person, and voice recognition algorithms analyze the recorded voice sample for

occurrence of parts that match the reference voice sample within a specified tolerance

as this arrangement would provide another means to verify the authorized user of the

resources as taught by Vensko.

5.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Bassenyemukasa in view of Gainsboro as applied to claim 10 above, and further in view

of Cheng et al. (US PAT: 5,502,759, hereinafter Cheng).

Regarding claim 13, the combination does not teach the following: control unit

and memory are assigned to an SCP of an intelligent network, and the control unit

causes the SCP to generate a signal interrupting the connection, or an alarm if the voice

sample cannot be assigned to any of the reference data records.

However, Cheng discloses apparatus and accompanying methods for preventing

toll fraud through the use of centralized caller voice verification which teaches the

following: control unit and memory are assigned to an SCP of an intelligent network,

and the control unit causes the SCP to generate a signal interrupting the connection, or

an alarm if the voice sample cannot be assigned to any of the reference data records

(figs. 17-18, col. 31, line 66 –col. 33, line 17).

Thus, it would have been obvious to one of ordinary skill in the art at the time

invention was made to modify the combination to provide for the following: control unit

and memory are assigned to an SCP of an intelligent network, and the control unit

causes the SCP to generate a signal interrupting the connection, or an alarm if the voice

sample cannot be assigned to any of the reference data records as this arrangement

would provide central location for storing and voice verification of authorized callers by

using SS7 signaling system as taught by Cheng (col. 5 lines 49-63).

6.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over

McMahan et al. (US PAT:5,717,743, hereinafter McMahan) in view of Gainsboro.

Regarding claim 14, McMahan discloses a mobile terminal for

telecommunications, including: means that are capable of accessing a data line via

which voice signals are transmitted in electronic form and of recording an entered signal

and a voice signal, at least one memory (19, fig. 1) in which at least one or more

reference records are stored which are assigned to a group of persons having access

authorization, at least one control unit in (18, fig. 1) having a voice recognition unit

which is capable of accessing the memory for the reference data records, analyzing the

tapped voice signal via voice recognition algorithms, and of determining the access

authorization of the subscriber placing the call by comparison with the reference data

records, the control unit initiating the production of signal to interrupt the connection or

causing the terminal to shut off if the voice signal cannot be assigned to any of the

reference data records (col. 2 lines 10-63, and figs. 1-3, col. 3 lines 16-37).

McMahan diifers from claim 14 in that he does not teach the following: voice

samples are recorded at regular time intervals during the entire communication

connection , and in that speaker's authorization is checked at regular time intervals.

However, Gasinsboro discloses computer based method and apparatus for controlling, monitoring, recording and reporting telephone access which teaches the following: voice samples are recorded at regular time intervals during the entire communication connection , and in that speaker's authorization is checked at regular time intervals (fig. 1, col. 7 lines 11-14, lines 37-49).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify McMahan's system to provide for the following: voice samples are recorded at regular time intervals during the entire communication connection , and in that speaker's authorization is checked at regular time intervals as this arrangement would provide means for preventing the abuse of the authorization provided for telephone access as taught by Gasinsboro.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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